

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SENATE BILL 1477

AN ACT

AMENDING TITLE 35, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 35-196.05; RELATING TO FISCAL PROCEDURES, CONTROLS AND REPORTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 35, chapter 1, article 5, Arizona Revised Statutes,
3 is amended by adding section 35-196.05, to read:

4 35-196.05. Use of public monies for research into psychotropic
5 drugs: informed consent: reports: definition

6 A. NOTWITHSTANDING ANY OTHER LAW, A STATE FUNDED INSTITUTION OR AGENCY
7 SHALL NOT TEST A PSYCHOTROPIC DRUG OR TEST THE EFFECTS OF ANY PREVIOUSLY
8 PRESCRIBED OR ADMINISTERED PSYCHOTROPIC DRUG ON ANY PERSON WITHOUT THE
9 VOLUNTARY AND INFORMED WRITTEN CONSENT OF THAT PERSON WHO VOLUNTEERS FOR THE
10 TEST. CONSENT TO THE TESTING IS VOLUNTARY AND INFORMED ONLY IF ALL OF THE
11 FOLLOWING ARE TRUE:

12 1. AT LEAST TWENTY-FOUR HOURS BEFORE ANY TESTING BEGINS, A PHYSICIAN
13 HAS PROVIDED THE FOLLOWING INFORMATION TO THE VOLUNTEER IN WRITING:

14 (a) THE PURPOSE AND DURATION OF THE TEST.

15 (b) THE NAME OF THE PSYCHOTROPIC DRUG TO BE TESTED AND THE RISKS AND
16 POTENTIAL SIDE EFFECTS ASSOCIATED WITH THAT DRUG AS THEY ARE CURRENTLY KNOWN
17 BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

18 (c) THAT AFTER THE TESTING HAS BEGUN, THE INSTITUTION MUST CONTINUE TO
19 PROVIDE THE VOLUNTEER WITH UPDATED INFORMATION IN WRITING RELATING TO RISKS
20 AND POTENTIAL SIDE EFFECTS AS THESE BECOME KNOWN BY THE UNITED STATES FOOD
21 AND DRUG ADMINISTRATION. AFTER EACH UPDATE, THE VOLUNTEER MUST AGAIN SIGN
22 THE CONSENT FORM.

23 (d) THAT THE INSTITUTION IS PROHIBITED FROM GIVING DIRECT PAYMENT TO
24 THE VOLUNTEER OR THE VOLUNTEER'S PARENT OR LEGAL GUARDIAN EXCEPT FOR IN-KIND
25 COMPENSATION INCLUDING DOCTOR VISITS, MEDICINE, LAB WORK AND NECESSARY TESTS.

26 (e) THE AMOUNT OF ANY MONIES RECEIVED BY THE TESTING INSTITUTION OR
27 AGENCY TO CONDUCT THE TEST AND THE NAME OF THAT FUNDING SOURCE.

28 2. THE VOLUNTEER CERTIFIES IN WRITING BEFORE THE FIRST DRUG IS
29 ADMINISTERED THAT THE INFORMATION REQUIRED TO BE PROVIDED PURSUANT TO
30 PARAGRAPH 1 HAS BEEN PROVIDED AND THAT THE VOLUNTEER UNDERSTANDS THE RISKS
31 AND HAS HAD ALL QUESTIONS ANSWERED TO THE VOLUNTEER'S SATISFACTION.

32 3. IF THE VOLUNTEER IS UNDER EIGHTEEN YEARS OF AGE, THE VOLUNTEER'S
33 PARENT OR LEGAL GUARDIAN CERTIFIES IN WRITING THAT THE INFORMATION REQUIRED
34 TO BE PROVIDED PURSUANT TO PARAGRAPH 1 HAS ALSO BEEN PROVIDED TO THE
35 VOLUNTEER'S PARENT OR LEGAL GUARDIAN AT THE SAME TIME.

36 B. THE TESTING INSTITUTION OR AGENCY MUST REPORT TO THE DEPARTMENT OF
37 HEALTH SERVICES EACH ADVERSE SIDE EFFECT OF A DRUG IT ADMINISTERS PURSUANT TO
38 THIS SECTION AND MAKE COMPLETE FINANCIAL DISCLOSURE RELATING TO MONEY
39 RECEIVED AND THE SOURCE OF THE MONEY THAT IS USED TO CONDUCT THE TEST. THE
40 DEPARTMENT OF HEALTH SERVICES SHALL ANNUALLY SUBMIT A REPORT OF ADVERSE SIDE
41 EFFECTS DISCOVERED DURING THESE DRUG TRIALS TO THE GOVERNOR, THE PRESIDENT OF
42 THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND SHALL PROVIDE
43 A COPY OF EACH REPORT TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE
44 ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

45 C. FOR THE PURPOSES OF THIS SECTION, "PHYSICIAN" MEANS A PERSON WHO IS
46 LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17.